IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 14019 of 2005

Between:

V. Pandu Ranga Rao, S/o. V. Mallaiah,
R/o. D.No.15-2-446, Rangarao Bazaar, \Macherla, Guntur District.

..... PETITIONER

AND

1 Managing Director, APSRTC, Musheerabad, Hyderabad-500 020.
2 The Regional Manager, APSRTC, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or directions, more particularly a writ of Mandamus declaring the action of the 2nd respondent in conducting auction for telephone booth in pursuance of Tender Notification No.02/122(32)2005-R.M.(G) dt.06.06.2005 and taking steps to allot the telephone booth to others, while existing the previous licence of the petitioner in Macherla Bus Station and also no space available for providing other telephone booth is illegal, arbitrary, contrary to the proceedings dt.16.4.2002 of the second respondent and also in violation of ARticle-21 of the Constitution of India.

Counsel for the Petitioner: MR.V.PADMANABHA RAO

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission made the following:

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ORDER:

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This writ petition is filed by the petitioner aggrieved by the action of the respondent-Corporation in issuing a notification inviting sealed tenders for allotment of various shops including STD booth provided in 6' X 6' place which is specified under item No.VIII and entry No.43 of the notification.

2. The grievance of the petitioner is that he was already allotted an STD booth in the year 2002, but because of litigation, he was granted three years period from 09-05-2003 to 08-05-2006. Therefore, the petitioner is entitled to continue in the said STD booth allotted to him for another year. As the respondents are proposing to auction the allotment of the STD booth, the said action is illegal and without jurisdiction.

3. The learned Standing Counsel for the respondents, however, stated that the proposed auction is to allot another STD booth without affecting the right of the petitioner to continue in the premises or the STD booth, which was allotted to him. Therefore, the petitioner cannot be complained, as the notification issued is in accordance with the terms of the allotment made to the petitioner and as the clause contained in the allotment provides that the Corporation has a right to grant one or more licences to do the same business in the same premises. Therefore, it is stated that the petitioner's right is not going to be affected. Hence, he has no cause of action.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

5. The apprehension of the petitioner is that his right to continue the business in the STD booth would be affected by virtue of the sealed tender called for, for allotment of the STD booth. But it is clarified by the learned

Standing Counsel that the sealed tender called for the STD booth is in addition to the one, which was already allotted to the petitioner and the petitioner's right would not be affected.

6. In the above circumstances, the writ petition is disposed of clarifying and recording the above position that the petitioner is entitled to continue under the terms of his allotment till the period expires, subject to his fulfillment of conditions incorporated in the said agreement, which is valid from 09-05-2003 to 08-05-2006.

7. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

30th June, 2005

SKM

To

1 The Managing Director, APSRTC, Musheerabad,

Hyderabad-500 020.

2 The Regional Manager, APSRTC, Guntur.

3 Two CD copies

4 Two C.Cs. to MR.V.T.M.PRASAD (S.C.FOR APSRTC) (OUT)

*Form-NIC-OGS/WP{**JGK**}*